



In the Pakistan Information Commission, Islamabad
Appeal No 1859-04/22

Abdullah Malik

(Appellant)

Vs.

Pakistan Cricket Board

(Respondent)

ORDER

Date: August 16, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated March 28, 2022, to the Commission, stating that he submitted an information request to the chairman, Pakistan Cricket Board under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as follows:
 1. *“Name of the Ex Head of women’s Cricket Board.*
 2. *Her contract condition along with all merits, experience, conditions, privileges and financial packages. Details with documentary evidence.*
 3. *List of other candidates who applied for the said post along with any advertisement.*
 4. *All details about Ms. Tania Mallack, her merits, experience as cricketer, qualification selection, criteria.*
 5. *All her privileges, total financial package*
 6. *List of other candidates who applied for the said post.*
 7. *Name of the selecting authority.*
 8. *Policy of PCB about selection criteria of head of women’s cricket.*
 9. *List of all office bearer in PCB and their contractual conditions along with salary packages.*
 10. *S. Tania conditions of contract?”*

B. Proceedings

- 3 The record on the file suggests that the Respondent submitted its response on the intervention of this commission on July 28, 2022 and its text is as under:

Reference is drawn to your letter no. 108 wherein the Pakistan Cricket Board (PCB) has been approached for certain information/documents with regard to the selection and appointment of Head of Women's Cricket

1. “Pakistan Cricket Board (PCB) is a body corporate having perpetual succession and has been established as a Board under the Sports (Development and Control) Ordinance 1962 by the Federal Government through SR.ON 1043(1)/2019, gazette on 12 September, 2019 (PCB Constitution). PCB is vested with the exclusive authority to regulate the game of cricket in Pakistan, PC operates and functions independently from the Government as an autonomous entire which generates its own revenues and is a unique entity entirely different from other Autonomous Bodies, Corporations and Commissions as it receives no funds/monies whatsoever from the Federal Government the Consolidated Funds/ the Public Enclosure Further, save for powers conferred upon the Patron of PCB (the Honorable Prime Minister of the Islamic Republic of Pakistan), the PCB Constitution does not envisage any administrative, executive or financial control or interference of the Federal Government

2. PCB undertakes all its functions under the PCR Constitution and all the affairs in respect of the management and administration of the Board are carried out by the Board of Governors (BOG) constituted under the PCB Constitutions

3. PCB operates through its own regulations approved by the BOG and makes its service Regulations for its employees, including the recruitment process, which have been declare! as non-statutory rules by various Honorable Courts of the country PCB appoints/engages services of individuals on based on mint and professional competencies. At all times, the PCB operates independently and in a transparent manner and ensure that all decisions are made on merit and in the best interests of Pakistan cricket pursuant to Clause 363) of the PCB Constitution

We have examined your queries and would like to highlight at the outset that there is no legal entity by the name of Women Cricket Board Be that as it may, please find attached the below documents/information

- i. Ms. Urooj Mumtaz, former cricketer and chief women selector, was given Acting charge of the role of Head of Women Cricket previously before that the position of Head of Women Cricket did not exist. Ms. Mumtaz was entitled to no remuneration in respect of the Head of Women Cricket position.
- ii. A copy of the Advertisement for the post of Head of Women Cricket and a list of Candidates that applied for the respective potion is attached
- iii. The current Head of Women's Cricket, Miss Tania Mallick, is a 1987-88 national badminton. Champion has represented Pakistan in the 1986 Seoul Asian Games and holds a Master’s degree from the LUMS University. She is the vice-president of the Punjab Olympic Association since 2010, vice-president of the Punjab Squash Association and is currently serving as a member of Pakistan Olympic Association's Education and Women's Commissions. She has previously worked in various multinational companies, including the World Bank Women Development Projects. A brief profile is also available on the official PCB website <https://www.peh.com.pk>. Please noted that the remaining details information sought fall within the ambit of Sections (h) and 16(c) of the Right of Access to Information Act 2017 and on behalf of PCB”

4 Hearing on the instant Appeal was fixed for August 04, 2022 vide letter dated July 22, 2022. The Respondent were represented by Saad Imran, Manager Legal and Areeba Khalil, PIO Manager Legal, Pakistan Cricket Board. The learned counsels reiterated written response submitted to this commission and also contended that as the contracts contained confidentiality clauses, as such, contracts were exempted from disclosure.

C. Issues

5. The instant appeal has brought to the fore the following issues:

(a) Is Pakistan Cricket Board a public body under the Right of Access to Information Act 2017, henceforth referred to as the Act, 2017?

(b) Can a contract signed by a public body be accorded blanket exemption under the Act, 2017?

D Discussion and commission's views on relevant issues:

6. Whether or not Pakistan Cricket Board is a public body under the Act, 2017, this commission has settled this issue in APPEAL NO. 1233-07-2021 and relevant portions of the Order are as under:

“Although the organization is earning its revenues from the sale of commercial and media rights but it is worth to note that all the activities carried out by the organization are based on the cricket stadiums/grounds constructed on the leased land, owned by the government. All offices of the PCB are constructed on the government land leased in favor of the PCB at a highly subsidized rate which affords the source of income for the organization. The organization is therefore earning from the activities, sports or commercial, carried out on the leased land sponsored by the government at a supported rate. Apart from the sport activities the PCB is deriving income from the commercial activities like shops, showrooms and restaurants etc., outside the stadiums. According to the lease agreements provided by the organization in the case of Qaddafi Stadium, Lahore the PCB is paying token rent of Rs.1000/- per year for very valuable land measuring 180 kanal 1 Marla while in the other case of land in Karachi the annual lease rent is worked out at the rate of Rs.1210/- per acre. This token money paid by the PCB is figurative and symbolic aiming to provide the citizens of Pakistan the facility of enjoying the sports and other activities.

Section 5 of the constitution of Pakistan Cricket Board states that the Prime Minister of the Islamic Republic of Pakistan shall be the Patron who may from time to time, give general policy directions to the Board for its consideration.

PCB is established under the Sports (Development and Control) ordinance 1962. The section 2 of the ordinance states “any statutory corporation or other body corporate or institution set up or established or owned or controlled or funded by the Federal Government.

In the Rules of Business, 1973 of Cabinet Secretariat (Cabinet Division), Islamabad the Pakistan Cricket Board is placed at item 18(38) under Interior Division. All the Divisions, attached departments including the autonomous bodies of the Federal Government are enlisted in the definition of the public body as defined in section 2(ix)(a) the Act.

In the light of the discussion above the Commission is therefore of the considered view that the PCB is a public body, answerable and accountable under the Right of Access to Information Act, 2017”.

7. This commission holds that the Act, 2017 does not only treat contracts public documents under Section 6 (c) of the Act, 2017 but requires federal public bodies to proactively publish these contracts through its Section 5 (1) (e) of the Act, 2017.
8. This commission maintains that the Act, 2017 does not provide blanket exemption to any contract signed by a public body with a private party.
9. This commission holds that merely because certain provision(s) in a contract may contain private information, it does not mean that it can be exempted from disclosure in its entirety.
10. The Act, 2017 envisages a situation wherein a document, which should be otherwise be made public but its parts may contain exempted information. In such an eventuality, part(s) containing information to be exempted can be severed, or, blanked out from the document as mentioned in Section 16 (1) (i) of the Act, 2017. However, in such a

scenario, the public body is required to cite specific reason(s) for invoking the particular exemption clause of the Act, 2017.

E. Order

11. The Appeal is allowed. The Respondent is directed to provide the Appellant the remaining items of the requested information in para 2 of this Order within 7 working days of the receipt of this Order, with intimation to the commission.
12. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

August 16, 2022

This order consists of 4 (four) pages, each page has been read and signed.